

Appl. No. : 10/010,281  
Filed : December 5, 2001

AMENDMENTS TO THE CLAIMS

Please rewrite Claims 1-2, 5-9 and 11-14 as follows:

1. (currently amended) A method of preparing an asphalt emulsion composition ~~comprises comprising preparing~~

providing an asphalt/polymer composition, said asphalt/polymer composition comprising an asphalt and a substantially water-free polymer,

emulsifying said asphalt/polymer composition with water to form an aqueous emulsion of an asphalt/polymer composition comprising a mixture of said asphalt and between about 1% and about 10% substantially water-free of said synthetic polymer, by weight, and

mixing said aqueous emulsion with rubber particles, at least a portion of which pass a #10 U.S. series sieve, in a synthetic polymer:rubber particles ratio of between about 1:2 and about 1:20, by weight, at ambient temperature to form said asphalt emulsion composition.

2. (currently amended) ~~A~~ The method of Claim 1 ~~including comprising~~ mixing a rheological agent with said ~~polymer/asphalt~~ aqueous emulsion and said rubber particles to prepare said asphalt emulsion composition.

3. (original) A method of preparing an asphalt emulsion paving composition comprising mixing aggregate with the asphalt emulsion composition prepared according to Claim 1.

4. (original) A method of preparing an asphalt emulsion paving composition comprising mixing aggregate with the asphalt emulsion composition prepared according to Claim 2.

5. (currently amended) ~~A~~ The method of Claim 1, wherein said asphalt/polymer composition is prepared by melting said polymer in said asphalt.

6. (currently amended) ~~A~~ The method of Claim 1 wherein said asphalt/polymer composition is prepared by polymerizing at least a portion of said polymer in said asphalt.

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7. (currently amended) A The method of Claim 4 wherein said aggregate is mixed with said asphalt emulsion composition at ambient temperature.

8. (currently amended) A The method of Claim 6 7 wherein said ~~polymer/asphalt~~ asphalt/polymer composition is prepared by melting said polymer in said asphalt.

9. (currently amended) A The method of Claim 1, wherein the ~~ratio of synthetic~~ polymer:rubber particles ratio is between about 1:2 and about 1:10, by weight.

10. (original) A composition prepared according to Claim 1.

11. (currently amended) A paving composition prepared according to Claim 7 wherein the ~~ratio of~~ polymer:rubber particles ratio is between about 1:3 and about 1:10, by weight.

12. (currently amended) A The paving composition of Claim 11 wherein at least a portion of said rubber particles pass a #20 U.S. series ~~mesh~~ sieve.

13. (currently amended) A The composition of Claim 10 wherein said polymer is a styrene-butadiene copolymer.

14. (currently amended) A The method of Claim 1 further comprising mixing said aqueous emulsion with a solids mix composition comprising said rubber particles and one or more additives selected from the group consisting of rheological agent, gilsonite, surface active clay, carbon black, graphite, water and polymer fibers at ambient temperature to form said asphalt emulsion composition.